

### **1.08.010 – Penalty - Generally**

- A. In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- B. Whenever in this code a minimum but not maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty but not exceeding five hundred dollars.
- C. Whenever in this code the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than five dollars nor more than one hundred dollars for each offense.

(Prior code : § 28.104)